

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARY ROZELL,

Plaintiff,

-against-

Index No.  
05CV 2936

COURTNEY ROSS-HOLST, an individual,  
Andco, LLC, a corporation, and NEIL  
PIROZZI, an individual,

Defendants.

February 1, 2006  
10:10 a.m.

DEPOSITION OF MARY ROZELL, the Plaintiff herein,  
taken pursuant to Notice, and held at the offices  
of Littler Mendelson, P.C., 885 Third Avenue, New  
York, New York, before Debra A. Levinson,  
CSR-RMR-CRR, a Court Reporter and Notary Public  
of the State of New York.



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MARY ROZELL

IT IS HEREBY STIPULATED AND AGREED by and  
between the attorneys for the respective parties  
herein, that filing and sealing be and the same  
are hereby waived.

IT IS FURTHER STIPULATED AND AGREED that  
all objections, except as to the form of the  
question, shall be reserved to the time of the  
trial.

IT IS FURTHER STIPULATED AND AGREED that  
the within deposition may be signed and sworn to  
before any officer authorized to administer an  
oath, with the same force and effect as if signed  
and sworn to before the Court.



MARY ROZELL

A P P E A R A N C E S :

OUTTEN & GOLDEN, LLP

Attorneys for Plaintiff  
3 Park Avenue

New York, New York 10016

BY: KATHLEEN PERATIS, ESQ.

-and-

MARK R. HUMOWIECKI, ESQ.

LITTLER MENDELSON, P.C.

Attorneys for Defendants

885 Third Avenue

New York, New York 10022-4834

BY: A. MICHAEL WEBER, ESQ.

-and-

ELENA PARASKEVAS-THADANI, ESQ.

ALSO PRESENT:

NEIL PIROZZI



MARY ROZELL

MARY ROZELL,

having been first duly sworn by the  
Notary Public (Debra A. Levinson),  
and stating her address as 226 Front  
Street, New York, New York 10038,  
was examined and testified as  
follows:

MR. WEBER: Good morning.

MS. PERATIS: Good morning.

EXAMINATION BY

MR. WEBER:

Q. Ms. Rozell, my name is Michael  
Weber. We've met before you may recall?

A. Uh-hum.

Q. I'm going to ask you a number of  
questions today which the court reporter will  
take down. It's important that you answer your  
questions verbally so we get a clear answer, and  
if you don't understand any question I ask you,  
please let me know and I'll rephrase it or  
restate it.

In a deposition like this you're



1  
2 (Defendants' Exhibit BBB,  
3 E-MAIL, was marked for  
4 identification.)  
5  
6 Q. I show you Defendants' BBB for  
7 identification. Can you tell me what that is?  
8 A. We did this already, didn't we?  
9 Q. I wasn't sure.  
10 A. We did.  
11 Q. Let's then take that back and forget  
12 we did it.  
13 MS. PERATIS: Are you withdrawing  
14 it?  
15 MR. WEBER: I am. I thought we did  
16 it also.  
17  
18 (Defendants' Exhibit BBB,  
19 E-MAIL, was remarked for  
20 identification.)  
21  
22 Q. I show you what's been marked  
23 Defendants' Exhibit BBB. Can you identify it?  
24 A. This is an e-mail from Tasha to me.

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1 A. How many do I have? From my whole  
2 life?  
3 Q. No, for the last two years.  
4 A. From the last two years.  
5 Q. Excuse me, since 2002.  
6 A. Since 2002, I think I have two.  
7 Q. Are these --  
8 A. I think these are --  
9 Q. Tell me what your journals are.  
10 A. One journal is more or less written  
11 for my child, chronically, his first year of life  
12 and before, I think that's what this is taken  
13 from.  
14 Q. Right. And the other?  
15 A. Another one is more of a general  
16 journal that is primarily a chronicle of my  
17 mother's disease and some travel.  
18 Q. Does she have Alzheimer's?  
19 A. She did, yeah.  
20 Q. Sorry. My mother did as well.  
21 MS. PERATIS: My mother's getting  
22 it.  
23  
24 (Discussion held off the record.)

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1  
2 (Defendants' Exhibit CCC,  
3 E-MAIL, was marked for  
4 identification.)  
5  
6 Q. Defendants' Exhibit CCC, can you  
7 identify it, two pages?  
8 A. Didn't we do this as well?  
9 Q. I don't believe so.  
10 A. I thought we did.  
11 This is an e-mail from me to Tasha.  
12 Q. Okay.  
13  
14 (Defendants' Exhibit DDD,  
15 PAGES FROM DIARY, was marked  
16 for identification.)  
17  
18 Q. I show you DDD for identification.  
19 Tell me what that is.  
20 A. These are two pages from my  
21 journals.  
22 Q. What journals are you referring to?  
23 A. Personal journals.  
24 Q. How many do you have?

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1  
2 Q. Did you ever see a therapist by the  
3 name of Nelson?  
4 A. Yes.  
5 Q. And who is that?  
6 A. He was a couples' therapist.  
7 Q. And I assume you went with your  
8 husband?  
9 A. Yes.  
10 Q. And did you have any dispute with  
11 your husband concerning a certain person named  
12 Catherine?  
13 A. Yes.  
14 Q. And who is that?  
15 A. It's an old family friend of his.  
16 Q. One he had a relationship with?  
17 A. I think so, 20 years ago or  
18 something.  
19 Q. And what's the dispute about?  
20 MS. PERATIS: What's that got to do  
21 with this case, Michael?  
22 MR. WEBER: Has to do with claims  
23 for emotional damage and what may have had  
24 an impact.

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1 A. No.

2 Q. Do you believe that the decision to

3 terminate your employment was based on your

4 complaint to Ms. Ross-Holst?

5 A. I do.

6 Q. What do you base that on?

7 A. I base that on the fact that I don't

8 believe there was another reason to terminate me.

9 Q. Anything else?

10 A. Course of events from the time I

11 reported -- I spoke with Mrs. Holst's, to the

12 time I was fired.

13 Q. The course of events that you

14 described --

15 A. Uh-hum.

16 Q. -- earlier today?

17 A. Uh-hum.

18 Q. Anything else?

19 A. I don't think so. I'm not sure.

20 Q. Do you know if Ms. Ross-Holst or Mr.

21 Halpern ever spoke to Mr. Pirozzi about your

22 complaint?

23 A. I don't know.

24 Q. Anybody ever tell you that they did?

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1 MS. PERATIS: When?

2 MR. WEBER: 2004.

3 A. 2004, probably.

4 Q. With whom?

5 A. People that I would talk to about

6 what I was going to do next.

7 Q. I show you what's been marked

8 Defendants' Exhibit XX, can you identify it?

9 A. This is an e-mail from me to Bettina

10 Sulser.

11 Q. Is that your handwriting on that

12 document?

13 A. Yes.

14

15 (Defendants' Exhibit YY,

16 E-MAIL, was marked for

17 identification.)

18

19 Q. I show you Defendants' Exhibit YY.

20 Can you identify that document?

21 A. This is an e-mail from me to the

22 same automaton expert.

23 Q. Okay. Prior to your termination

24 from Andco, were you ever looking for another job

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1 A. No.

2

3 (Defendants' Exhibit WW,

4 E-MAIL, was marked for

5 identification.)

6

7 (Defendants' Exhibit XX,

8 E-MAIL, was marked for

9 identification.)

10

11 Q. I show you Defendants' Exhibit WW

12 for identification. Did you ever see that

13 document before, two-page document, two e-mails?

14 A. What was the question again? Do I

15 recognize it?

16 Q. Yes.

17 A. Yes.

18 Q. These are your e-mails?

19 A. Yes.

20 Q. Did you ever tell anybody you were

21 going to write a tell-all book?

22 A. No.

23 Q. Did you discuss with anybody about a

24 consulting -- your consulting aspirations?

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1 while employed by Andco?

2 A. I think I sent off a job application

3 while I was there.

4 Q. Do you remember when?

5 A. I think it was some time in 2004.

6 Q. To whom did you send the

7 application?

8 A. To Skidmore College.

9 Q. What position were you seeking?

10 A. Director of the art museum.

11 Q. Approximately when did you send

12 that? I know you said 2004. Can you give me a

13 better --

14 A. Some time, well, the letter's in my

15 computer, so it would have the exact date.

16 Q. Sometime prior to end of April,

17 2004?

18 A. Yes.

19 Q. And did you hear back from Skidmore?

20 A. Yes.

21 Q. And what did they say?

22 A. I didn't get the job.

23 Q. Did you seek any other employment

24 prior to the end of April 2004 while you were

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1 Q. You said you were going to set up or  
2 you did set up?  
3 A. Well, I set it up informally.  
4 Q. And you prepared this document?  
5 A. Yes.  
6 Q. Have you sent this to anyone in  
7 connection with trying to find employment or  
8 provide services?  
9 A. I sent it to the Grunebaums. And I  
10 believe Bettina sent it to people.  
11 Q. Do you know to whom?  
12 A. No.  
13 Q. Is Sasha still involved with this  
14 entity?  
15 A. Tasha?  
16 Q. Tasha, I'm sorry.  
17 A. Yes, somewhat. She has another job  
18 but she works with me on the Grunebaum collection  
19 when she can.  
20 Q. Have you mentioned all the  
21 opportunities so far that you've pursued to find  
22 employment?  
23 A. I'm not sure if I've mentioned them  
24 all.

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1 was -- I think his right hand person liked me and  
2 thought I was a good fit for the company and he  
3 asked me a lot of questions but I never heard  
4 from him. My baby was at the interview so I  
5 don't think that helped but --  
6 Q. Never know.  
7 Any other efforts to find employment  
8 or work?  
9 A. There probably are, I just can't  
10 remember.  
11 Q. Think a minute and see if you can  
12 remember.  
13 A. I just did that. It's an ongoing  
14 process. I had a meeting with Andy Spade.  
15 Q. Of the Kate Spade fame?  
16 A. (Indicating yes.)  
17 Q. What position?  
18 A. It wasn't a position. It was just  
19 to pitch our little --  
20 Q. Business?  
21 A. Business.  
22 Q. To take care of their art?  
23 A. Uh-hum.  
24 Q. And what transpired with that?

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1 Q. Do you want to think a minute and  
2 see if you can recall anything else?  
3 A. Did I mention my meeting with  
4 Benedict Taschen?  
5 Q. No. Who's that?  
6 A. He's the founder, owner of Taschen,  
7 T-A-S-C-H-E-N, Publishing.  
8 Q. And who is Benedict Taschen?  
9 MS. PERATIS: One second, Michael.  
10 would you read that back.  
11  
12 (The requested testimony was read  
13 back.)  
14  
15 A. He had wanted to meet me for a while  
16 and, and I had interviewed with his company when  
17 I first came to New York and the person who  
18 interviewed me always stayed in touch with me,  
19 and at some point she said Benedict would like to  
20 meet you and it just so happened we were in the  
21 same city at the same time so we met in Berlin.  
22 Q. Did you pursue anything in  
23 particular or just to network?  
24 A. I think it was just networking. He

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1 A. Bettina ended up working there on  
2 her own because she didn't want to work with me.  
3  
4 (Discussion held off the record.)  
5  
6 (Recess taken.)  
7  
8 (Defendants' Exhibit AAA,  
9 E-MAIL, was marked for  
10 identification.)  
11  
12 BY MR. WEBER:  
13 Q. Have you been doing any writing  
14 since April of '04?  
15 A. Yes.  
16 Q. What kind of writing?  
17 A. I've been working on books and  
18 writing a proposal that I hope will be expanded  
19 into more of a scholarly essay on the collection,  
20 the Grunebaum collection.  
21 Q. What kind of books are you working  
22 on?  
23 A. I've been working on a book, a  
24 memoir of my time in Berlin and East Germany

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1 after the Wall came down, and I've been working  
2 on a fiction novel and a book on Alzheimer's.

3 Q. Let's take the first one. What is  
4 the first one?

5 A. The memoir.

6 Q. The memoir.

7 A. Uh-huh.

8 Q. How far along are you on that? How  
9 many pages have you scripted out?

10 A. I don't know how many pages.  
11 There's different -- different sections. I guess  
12 maybe around 50.

13 Q. And that covers what period of time?

14 A. It covers -- it starts in '92. It's  
15 not chronological. It's not in the order yet.  
16 It's just little vignettes, through '97 or '98.

17 Q. Have you talked with a publisher  
18 about possibly doing something there?

19 A. No.

20 Q. The fiction novel, how far are you  
21 along on that?

22 A. I have about 50,000 words.

23 Q. Wow. And what's that about?

24 A. That's about -- the theme is about

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1 with that?

2 A. No.

3 Q. Did you ever mention the fiction  
4 book to anybody at Andco?

5 A. No. I didn't start it until after I  
6 left there.

7 Q. Are you covered by your husband's  
8 health insurance?

9 A. I am now, yes.

10 Q. And he still works at Random House?

11 A. Yes.

12 Q. What's his title there?

13 A. I don't know what it is, senior vice  
14 president or something.

15 Q. When did you start seeing a  
16 psychologist?

17 A. I think it was January of 2005.

18 Q. And did you do so at the direction  
19 or suggestion of your attorneys?

20 A. No, not at that point.

21 Q. Did you ever tell your therapist  
22 that you are, were in therapy at the direction of  
23 your attorneys?

24 A. My attorneys asked me if I was in

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1 reassimilation into one's own country, and it's  
2 kind of a -- it's a comparison of the cultural  
3 values of Europe and America. It's a little bit  
4 of a travel log. It takes place in Europe, in  
5 the United States, and it's a lot about art and  
6 the art world.

7 Q. And you started that in '04?

8 A. I started that in January of '04.

9 Q. And have you talked with a publisher  
10 about that book?

11 A. No.

12 Q. Do you have an agent for that book?

13 A. No.

14 Q. Then you have a third thing you're  
15 working on I think?

16 A. Alzheimer's.

17 Q. A book on Alzheimer's, and how far  
18 along are you on that?

19 A. That book's been ongoing -- if you  
20 can call it a book it's not a book, it's just  
21 writing. That's been going on for many years  
22 now. I have, I don't know how many words or  
23 pages. I guess maybe 50 to a hundred pages.

24 Q. Any agent or publisher in connection

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1 therapy in the beginning when I first saw --

2 MS. PERATIS: No, you don't talk  
3 about that. Sorry, I was just listening.  
4 I was getting interested in the whole  
5 story.

6 MR. WEBER: Compelling story and you  
7 didn't realize it was attorney-client.

8 MS. PERATIS: Yes, please strike the  
9 entire answer.

10 Q. Without telling me what you said to  
11 your attorneys and what your attorneys said to  
12 you did you tell your therapist that you were  
13 going to therapy at the suggestion of your  
14 attorney?

15 A. I think what I told my therapist  
16 that my attorney had suggested it a long time  
17 ago.

18 Q. Are you seeing a therapist now?

19 A. No.

20 Q. When did you stop?

21 A. I stopped last -- I think it was May  
22 of 2005.

23 Q. And you started in January of '05?

24 A. Yeah -- yes.

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1 A. I'm not sure. I'm guessing.  
 2 MS. PERATIS: Don't guess.  
 3 A. Okay, all right.  
 4 Q. If someone went into the lobby on  
 5 71st Street to go directly to the 12th or 13th  
 6 floor, would they be required to go to Carrie on  
 7 the first floor office?  
 8 A. That's what we tried to establish  
 9 but that was not always the case.  
 10 Q. How did you try to establish that?  
 11 A. By setting up the system with  
 12 Carrie, I spoke with the doorman, and just  
 13 basically spoke to the staff about trying to --  
 14 Q. Did you speak to the doormen?  
 15 A. Yes.  
 16 Q. What did you tell them?  
 17 A. I told them that they needed to send  
 18 people to the first floor offices and not  
 19 directly to the apartment.  
 20 Q. Did they follow your instructions?  
 21 A. I'm not sure if they always did.  
 22 Q. Did you ever follow up on it?  
 23 A. Yes.  
 24 Q. What did you learn?

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1 me about what was going on in the office.  
 2 Q. Do you have those e-mails that she  
 3 sent you?  
 4 MS. PERATIS: We've given you  
 5 whatever she has.  
 6 MR. WEBER: I'll ask the witness.  
 7 A. Yeah, whatever --  
 8 Q. Did you keep the e-mails she sent  
 9 you?  
 10 A. Whatever was taken from my computer  
 11 are preserved.  
 12 Q. So you have the e-mail to which she  
 13 responded to here?  
 14 A. I'm not sure if I have that exact  
 15 e-mail. The e-mails that we have are the ones  
 16 that were stolen from my computer.  
 17 Q. I'm asking you a different question.  
 18 A. I don't -- and I'm saying I don't  
 19 know. I don't know the exact --  
 20 Q. Do you have the computer from which  
 21 this was sent in --  
 22 A. Do I have that computer?  
 23 Q. Yes.  
 24 A. Yes, we have that computer.

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1 A. Well, I had a conversation with them  
 2 about access to the apartment because of  
 3 Nicole's, Mrs. Holst's daughter's boyfriend and  
 4 other friends. They did not feel that they --  
 5 also there was the issue of after hours when no  
 6 one was there. And it was brought to my  
 7 attention that Nicole's boyfriend was coming in,  
 8 bringing other people in, when no one else was  
 9 there, and they asked me if I could help them to  
 10 set up a system. And I told them I would try to  
 11 get a list of names for them of who was allowed  
 12 access to the apartment so that it would take the  
 13 pressure off of them.

14 Q. Okay.

(Defendants' Exhibit O,  
 E-MAIL, was marked for  
 identification.)

20 Q. I show you Defendants' Exhibit O for  
 21 identification. Tell me what that is.

22 A. This is an e-mail from me to Tasha.

23 Q. And what were you saying here?

24 A. They were e-mails that she wrote to

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1 Q. Is that a laptop?  
 2 A. No.  
 3 Q. Is it a desktop?  
 4 A. It's a desktop.  
 5 Q. What kind of computer is it?  
 6 A. It's a Mac.  
 7 Q. When did you get it?  
 8 A. I think, it's my husband's. I think  
 9 he got it maybe in 2003. Not sure.  
 10 Q. And you've used that to communicate  
 11 with Sasha?  
 12 A. At that time, yes.  
 13 Q. And currently?  
 14 A. No, I don't use that computer. I  
 15 got my own computer.  
 16 Q. When did you get your own computer?  
 17 A. I got my own computer after I was  
 18 fired. I think it was August. It was August of  
 19 2004.  
 20 Q. And do you still have that computer?  
 21 A. Yes, I do.  
 22 Q. What kind of computer is that?  
 23 A. It's a Sony Vio laptop.  
 24 MR. WEBER: I'm going to direct that

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both those computers be preserved that nothing be deleted from them that we'll seek appropriate discovery to get the corresponding e-mails to the ones that you were looking at here.

DOCUMENT/INFORMATION REQUESTED:

Q. You say just got these last e-mails this morning.

A. Uh-hum.

Q. What is that referring to?

A. E-mails that she sent me from the office the day before or -- yeah.

Q. The reference, "Bill," I assume is your husband?

A. Uh-hum.

Q. Raised his beer bottle for a toast quote, to agent T, end of quote. What is that referring to?

A. That refers to Tasha having to sneak around to get my personal belongings.

Q. So at this point she's still looking for your personal belongings?

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E-MAIL, was marked for identification.)

Q. I show you what's been marked Defendants' Exhibit P. Can you identify that document?

A. It's an e-mail from me to Tasha on the Monday after I was fired.

Q. Who's Paul?

A. Paul Asenbaum is an art consultant in Vienna.

Q. You spoke to him?

A. I did.

Q. What did you say to him?

A. I was working closely with him at the time and I called him to tell him that I lost my job. I told him I was fired.

Q. Anything else you tell him?

A. I don't think so.

Q. You also say I also spoke with Shawn.

A. Uh-hum.

Q. What did you say to Shawn?

A. Oh, I don't remember speaking with

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A. At that point when the e-mail was written?

Q. Correct.

A. No, she was not there.

Q. She wasn't there May 17?

A. That was a Saturday.

Q. I don't mean physically that day. I mean was she employed at Andco at the time?

A. I believe she was still employed there.

Q. Did there come a point when you were told that she couldn't get your personal belongings?

A. There was a point where I told her to just forget it.

Q. When was that?

A. Towards the end of that Friday.

Q. What day was that?

A. What was the date?

Q. Uh-hum.

A. April 28th -- is it the 30th? I don't have a calendar.

(Defendants' Exhibit P,

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Shawn but I assume I was asking him about my documents.)

Q. And was Shawn employed by Andco at the time?

A. No.

Q. Was he an independent IT person?

A. Yes.

Q. What did he say to you?

MS. PERATIS: If you recall.

A. I don't recall. I can just interpret from what he, what I wrote here.

Q. How were you able to reach him?

A. I don't remember.

(Defendants' Exhibit Q,  
E-MAIL, was marked for  
identification.)

Q. I show you Defendants' Q for ID, identify that document.

MS. PERATIS: Do you have a question?

Q. Can you identify it?

A. It's an e-mail from me to Tasha, and

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